

Appl. No. 10/697,839

Attorney Docket No. 10541-1888

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1-4, 6-8, and 10-21 are pending.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 63-140753 to Ishikawa et al. (Ishikawa).

Claim 1 recites "wherein the second portion has a melting temperature that is lower than a melting temperature of the first portion". Similarly, claim 6 recites "wherein a melting temperature of the porous portion is lower than a melting temperature of the non-porous portion."

The examiner bears the burden of factually supporting anticipation under 35 U.S.C. §102. MPEP §2131 provides,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference."
Verdegaal Bros. C. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

To the contrary, Ishikawa does not teach the porous portion having a melting temperature that is lower than a melting temperature of the non-porous portion. Rather, Ishikawa teaches dipping a porous aluminum body in to a melted aluminum to create solid portions of body. This implies the porous portion has an

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equal or higher melting temperature. Since Ishikawa does not teach each and every element of the claim, the examiner's rejection under 35 U.S.C. §102 is improper.

Claims 2-4 and 7-10 depend from claim 1 or claim 6 and are, therefore, patentable for at least the same reasons given above in support of claims 1 and 6.

Claims 1-10 and 13-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,705,393 to Hsu (Hsu).

With regard to independent claims 1 and 6, Hsu teaches a ceramic porous layer 1 that is attached to a thermoconductive layer 2. No mention is made of the relative melting temperatures of the ceramic porous layer 1 and the thermoconductive layer 2. Further, the ceramic porous layer would generally have a high melting temperature with regard to most thermoconductive materials. Hsu does not teach the porous portion having a melting temperature that is lower than a melting temperature of the non-porous. Therefore, Hsu does not teach each and every element of the present invention. Since Hsu does not teach each and every element of the claim, the examiner's rejection under 35 U.S.C. §102 is improper.

Claims 2-4 and 7-10 depend from claim 1 or claim 6 and are, therefore, patentable for at least the same reasons given above in support of claims 1 and 6.

Claim 13 recites "melting the second portion of the body and creating porosity in the second portion of the body." Hsu does not teach melting and

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creating porosity in a portion of the body. Rather, Hsu teaches mortaring a ceramic slurry mixture and creating porosity in the mortared ceramic portion. Therefore, Hsu does not teach each and every element of claim 13, and the examiner's rejection under 35 U.S.C. §102 is improper.

Claims 14-21 depend from claim 13 and are, therefore, patentable for at least the same reasons given above in support of claim 13. Further, as described above, the limitation in claim 14 that the first portion has a higher melting temperature than the second portion is also not taught by Hsu. Accordingly, the applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102.

Claim Rejections - 35 U.S.C. §103(a)

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa in view of Ozmat.

Claims 11 and 12 depend from claim 13 and are, therefore, patentable for at least the same reasons given above in support of claim 13. In addition, Ozmat does not teach the limitations previously noted above as missing from Ishikawa. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

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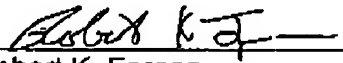
Appln. No. 10/697,839

Attorney Docket No. 10541-1888

record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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